

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Rick Beavers v Barton Malow Co**
Docket No. **260475**
L.C. No. **03-309389-NO**

Michael J. Talbot, Judge, acting under MCR 7.217 and MCR 7.219(I), orders:

The motion for reinstatement of appeal is DENIED.

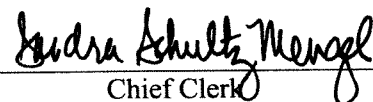
The time for filing appellant's brief was not tolled due to the untimely filing of the transcript as appellant failed to file a motion to show cause or to extend the time to file the transcript within seven days after the transcript was due. Administrative Order 2004-5 ¶ 8(A)(3)-(5). Pursuant to Administrative Order 2004-5 ¶ 8(A)(5), appellant's brief was due 28 days after the timely ordered transcript was due. On April 1, 2005, an order was issued warning that the appellant's brief had not been timely filed and directing the Clerk's Office to submit the appeal for dismissal if the brief was not filed within 14 days of the original due date or any extension granted. Appellant failed to file a brief in accordance with the April 1, 2005, order and the matter was submitted for involuntary dismissal on April 12, 2005, more than 14 days after appellant's brief was due. The appeal was properly dismissed on April 13, 2005, in accordance with Administrative Order 2004-5 ¶ 9(B)(4). The filing of an untimely motion to show cause or to extend time on the eve of dismissal was insufficient to forestall the involuntary dismissal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 28 2005

Date


Chief Clerk